

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

DAKOTANS FOR HEALTH, RICK
WEILAND, and ADAM WEILAND,

Plaintiffs,

v.

BOB EWING, BRANDON FLANAGAN,
RANDY DEIBERT, RICHARD SLEEP,
and ERIC JENNINGS, Lawrence County
Commissioners, all sued in their official
capacities,

Defendants.

Case No. 5:23-cv-5042

RESPONSE TO MOTION TO DISMISS

COME NOW Defendants, by and through Rebecca L. Mann of Gunderson, Palmer,
Nelson & Ashmore, LLP, their attorneys, and hereby submit this Response to Plaintiffs' Motion
to Dismiss All Issues Without Prejudice – Except Attorney Fees and Costs – as Moot (Doc. 25).

Defendants do not object to the voluntary dismissal by Plaintiffs pursuant to Fed. R. Civ.
P. 41(a)(2) without prejudice and agree that the case is moot given the new Political Activity
Policy adopted by the Lawrence County Commissioners on October 10, 2023. (Doc. 25-1.)

Defendants do not agree that Plaintiffs are entitled to recover attorney fees or costs. However, as
indicated by Plaintiffs, the issue of attorney fees can be briefed separately pursuant to a motion
for attorney fees if the parties are unable to reach a resolution on this issue.

Dated: November 27, 2023.

GUNDERSON, PALMER, NELSON
& ASHMORE, LLP

By: /s/ Rebecca L. Mann

Rebecca L. Mann

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